

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Richard Perales,

Petitioner,

v.

Civil No. 14-1722 (JNE/JJG)
ORDER

United States,

Respondent.

In a Report and Recommendation dated June 10, 2014, the Honorable Jeanne J. Graham, United States Magistrate Judge, recommended that ground one of Richard Perales's petition for a writ of habeas corpus under 28 U.S.C. § 2241 be denied; that grounds two and three of the petition be dismissed for lack of jurisdiction; that Perales be given time to file a complaint and either to pay the filing fee or to file an application to proceed without prepayment of fees; and that the action be dismissed without prejudice if Perales did not file a complaint. Perales moved for appointment of counsel. He also submitted a complaint, which was filed in Civil No. 14-2205. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court accepts the recommendations to deny ground one of the petition and to dismiss grounds two and three. The Court denies Perales's motion for appointment of counsel under 18 U.S.C. § 3006A.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Ground one of the petition is DENIED.
2. Grounds two and three of the petition are DISMISSED for lack of jurisdiction.
3. Perales's motion for appointment of counsel [Docket No. 3] is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 9, 2014

s/Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge